



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5672

Introduced 2/16/2012, by Rep. Donald L. Moffitt

SYNOPSIS AS INTRODUCED:

210 ILCS 50/3.85

Amends the Emergency Medical Services (EMS) Systems Act. Requires that rules adopted by the Department of Public Health to establish ambulance or SEMSV staffing requirements distinguish between (i) periods of time in which an ambulance or SEMSV is traveling to the scene of an emergency and (ii) periods of time during which an ambulance or SEMSV is transporting a patient from the scene of an emergency. Provides that during the period of time in which a vehicle is traveling to the scene of an emergency, the vehicle must be staffed by at least one EMT-B, EMT-I, or EMT-P, and that such individual may serve as the driver of the vehicle. Provides that during the period of time in which a vehicle is transporting a patient from the scene of an emergency, the vehicle must be staffed by at least 2 individuals with specified qualifications, one of whom may serve as the driver.

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FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Emergency Medical Services (EMS) Systems Act
5 is amended by changing Section 3.85 as follows:

6 (210 ILCS 50/3.85)

7 Sec. 3.85. Vehicle Service Providers.

8 (a) "Vehicle Service Provider" means an entity licensed by
9 the Department to provide emergency or non-emergency medical
10 services in compliance with this Act, the rules promulgated by
11 the Department pursuant to this Act, and an operational plan
12 approved by its EMS System(s), utilizing at least ambulances or
13 specialized emergency medical service vehicles (SEMSV).

14 (1) "Ambulance" means any publicly or privately owned
15 on-road vehicle that is specifically designed, constructed
16 or modified and equipped, and is intended to be used for,
17 and is maintained or operated for the emergency
18 transportation of persons who are sick, injured, wounded or
19 otherwise incapacitated or helpless, or the non-emergency
20 medical transportation of persons who require the presence
21 of medical personnel to monitor the individual's condition
22 or medical apparatus being used on such individuals.

23 (2) "Specialized Emergency Medical Services Vehicle"

1 or "SEMSV" means a vehicle or conveyance, other than those
2 owned or operated by the federal government, that is
3 primarily intended for use in transporting the sick or
4 injured by means of air, water, or ground transportation,
5 that is not an ambulance as defined in this Act. The term
6 includes watercraft, aircraft and special purpose ground
7 transport vehicles or conveyances not intended for use on
8 public roads.

9 (3) An ambulance or SEMSV may also be designated as a
10 Limited Operation Vehicle or Special-Use Vehicle:

11 (A) "Limited Operation Vehicle" means a vehicle
12 which is licensed by the Department to provide basic,
13 intermediate or advanced life support emergency or
14 non-emergency medical services that are exclusively
15 limited to specific events or locales.

16 (B) "Special-Use Vehicle" means any publicly or
17 privately owned vehicle that is specifically designed,
18 constructed or modified and equipped, and is intended
19 to be used for, and is maintained or operated solely
20 for the emergency or non-emergency transportation of a
21 specific medical class or category of persons who are
22 sick, injured, wounded or otherwise incapacitated or
23 helpless (e.g. high-risk obstetrical patients,
24 neonatal patients).

25 (C) "Reserve Ambulance" means a vehicle that meets
26 all criteria set forth in this Section and all

1 Department rules, except for the required inventory of
2 medical supplies and durable medical equipment, which
3 may be rapidly transferred from a fully functional
4 ambulance to a reserve ambulance without the use of
5 tools or special mechanical expertise.

6 (b) The Department shall have the authority and
7 responsibility to:

8 (1) Require all Vehicle Service Providers, both
9 publicly and privately owned, to function within an EMS
10 System;

11 (2) Require a Vehicle Service Provider utilizing
12 ambulances to have a primary affiliation with an EMS System
13 within the EMS Region in which its Primary Service Area is
14 located, which is the geographic areas in which the
15 provider renders the majority of its emergency responses.
16 This requirement shall not apply to Vehicle Service
17 Providers which exclusively utilize Limited Operation
18 Vehicles;

19 (3) Establish licensing standards and requirements for
20 Vehicle Service Providers, through rules adopted pursuant
21 to this Act, including but not limited to:

22 (A) Vehicle design, specification, operation and
23 maintenance standards, including standards for the use
24 of reserve ambulances;

25 (B) Equipment requirements;

26 (C) Staffing requirements; and

1 (D) Annual license renewal;

2 (4) License all Vehicle Service Providers that have met
3 the Department's requirements for licensure, unless such
4 Provider is owned or licensed by the federal government.
5 All Provider licenses issued by the Department shall
6 specify the level and type of each vehicle covered by the
7 license (BLS, ILS, ALS, ambulance, SEMSV, limited
8 operation vehicle, special use vehicle, reserve
9 ambulance);

10 (5) Annually inspect all licensed Vehicle Service
11 Providers, and relicense such Providers that have met the
12 Department's requirements for license renewal;

13 (6) Suspend, revoke, refuse to issue or refuse to renew
14 the license of any Vehicle Service Provider, or that
15 portion of a license pertaining to a specific vehicle
16 operated by the Provider, after an opportunity for a
17 hearing, when findings show that the Provider or one or
18 more of its vehicles has failed to comply with the
19 standards and requirements of this Act or rules adopted by
20 the Department pursuant to this Act;

21 (7) Issue an Emergency Suspension Order for any
22 Provider or vehicle licensed under this Act, when the
23 Director or his designee has determined that an immediate
24 and serious danger to the public health, safety and welfare
25 exists. Suspension or revocation proceedings which offer
26 an opportunity for hearing shall be promptly initiated

1 after the Emergency Suspension Order has been issued;

2 (8) Exempt any licensed vehicle from subsequent
3 vehicle design standards or specifications required by the
4 Department, as long as said vehicle is continuously in
5 compliance with the vehicle design standards and
6 specifications originally applicable to that vehicle, or
7 until said vehicle's title of ownership is transferred;

8 (9) Exempt any vehicle (except an SEMSV) which was
9 being used as an ambulance on or before December 15, 1980,
10 from vehicle design standards and specifications required
11 by the Department, until said vehicle's title of ownership
12 is transferred. Such vehicles shall not be exempt from all
13 other licensing standards and requirements prescribed by
14 the Department;

15 (10) Prohibit any Vehicle Service Provider from
16 advertising, identifying its vehicles, or disseminating
17 information in a false or misleading manner concerning the
18 Provider's type and level of vehicles, location, primary
19 service area, response times, level of personnel,
20 licensure status or System participation;

21 (10.5) Prohibit any Vehicle Service Provider, whether
22 municipal, private, or hospital-owned, from advertising
23 itself as a critical care transport provider unless it
24 participates in a Department-approved EMS System critical
25 care transport plan; and

26 (11) Charge each Vehicle Service Provider a fee per

1 transport vehicle, to be submitted with each application
2 for licensure and license renewal. The fee per transport
3 vehicle shall be set by administrative rule by the
4 Department and shall not exceed 100 vehicles per provider.

5 (c) The Department's rules establishing ambulance or SEMSV
6 staffing requirements must distinguish between (i) periods of
7 time in which an ambulance or SEMSV is traveling to the scene
8 of an emergency and (ii) periods of time during which an
9 ambulance or SEMSV is transporting a patient from the scene of
10 an emergency.

11 During the period of time in which an ambulance or SEMSV is
12 traveling to the scene of an emergency, the vehicle must be
13 staffed by at least one EMT-B, EMT-I, or EMT-P, and that
14 individual may serve as the driver of the vehicle.

15 During the period of time in which an ambulance or SEMSV is
16 transporting a patient from the scene of an emergency, the
17 vehicle must be staffed as follows:

18 (1) If the Vehicle Service Provider utilizes only paid
19 individuals or utilizes volunteers on a basis that is not
20 considered to be substantially utilizing volunteers, the
21 ambulance or SEMSV must be staffed by at least 2 EMT-Bs,
22 EMT-Is, or EMT-Ps. One of these individuals may serve as
23 the vehicle driver.

24 (2) If the Vehicle Service Provider is substantially
25 utilizing volunteers or utilizes only volunteers, the
26 ambulance or SEMSV must be staffed either (i) by at least 2

1 EMT-Bs, EMT-Is, or EMT-Ps or (ii) by at least one first
2 responder and one EMT-B, EMT-I, or EMT-P. Any of these
3 individuals may serve as the vehicle driver, except that if
4 the staffing requirement is being met by utilizing a first
5 responder, then the first responder must serve as the
6 vehicle driver.

7 (Source: P.A. 96-1469, eff. 1-1-11; 97-333, eff. 8-12-11.)